

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER, )  
 )  
Petitioner, ) 4:19CV3005  
 )  
v. )  
 )  
STATE OF NEBRASKA, ) ORDER  
 )  
Respondent. )  
 )

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Petitioner filed a Petition for Writ of Habeas Corpus (Filing No. 1) and a Motion for Leave to Proceed in Forma Pauperis (Filing No. 2). Habeas corpus cases attacking the legality of a person's confinement require the payment of a \$5.00 filing fee. [28 U.S.C. § 1914\(a\)](#). However, after considering Petitioner's financial status as shown in the records of this court (*see* inmate trust account statement at Filing No. 5), leave to proceed in forma pauperis will be granted and Petitioner is relieved from paying the filing fee. *See* [28 U.S.C. § 1915\(a\)\(1\)](#).

IT IS THEREFORE ORDERED that: Petitioner's Motion for Leave to Proceed in Forma Pauperis (Filing No. 2) is granted. The next step in this case is for the court to conduct a preliminary review of the habeas corpus petition in accordance with Rule 4 of the Rules Governing Section 2254 cases. The court will conduct this review in its normal course of business.

DATED this 12<sup>th</sup> day of February, 2019.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge